

**REMARKS**

Claims 1-23 are pending in this application. By this Amendment, claims 1-4 are amended and new claims 16-23 are added.

Applicants gratefully acknowledge the Office Action's indication that claims 6-10 are allowed and that claims 2-4 and 13 contain allowable subject matter. New independent claim 21 contains features of allowable claim 13 and therefore is believed to define patentable subject matter.

The Office Action rejects claims 1 and 5 under 35 U.S.C. §102(b) over U.S. Patent 6,011,830 to Sasin et al. (hereafter Sasin), U.S. Patent 6,118,982 to Ghisler et al. (hereafter Ghisler), U.S. Publication 2003/0156549 to Binder et al. (hereafter Binder), U.S. Patent 6,891,803 to Chang et al. (hereafter Chang), or U.S. Publication 2004/0058652 to McGregor et al. (hereafter McGregor). The Office Action also rejects claims 11-12 and 14-15 under 35 U.S.C. §103(a) over Chang in view of U.S. Patent 6,826,473 to Burch et al. (hereafter Burch). The rejections are respectfully traversed.

Independent claim 1 recites a test block including test commands and a test user interface for testing the performance of the mobile station, the test block and test interface being including within the mobile station, wherein the apparatus tests the performance of the mobile station by operating the test block driven through the test user interface. Independent claim 1 also recites the apparatus including a conversion block to convert a GPS radio frequency (RF) signal and a Code Division Multiple Access (CDMA) RF signal to baseband signals and a GPS search block to generate status information based on the baseband signals.

The applied references as a whole do not teach or suggest features relating to testing of GPS signals on a mobile station. Furthermore, several of the references do not even relate to mobile stations or mobile stations having a GPS system function as recited in independent claim 1. More specifically, none of the applied references teach or suggest a conversion block to convert a GPS radio frequency (RF) signal and a Code Division Multiple Access (CDMA) RF signal to baseband signals and a GPS search block to generate status information based on the baseband signals. Merely because an apparatus has GPS functionality does not suggest the ability to generate status information based on baseband signals (converted from a GPS RF signal and a CDMA RF signal). Accordingly, independent claim 1 defines patentable subject matter.

Independent claim 11 recites a Global Positioning System (GPS) function configured to determine a position of the mobile terminal, and a test block including test commands configured to test a performance of the GPS function. For at least similar reasons as set forth above, the applied references do not teach or suggest a Global Positioning System (GPS) as well as a test block configured to test a performance of the GPS function. While the references may disclose a GPS system, none of the references, either alone or in combination, teaches or suggests a GPS function and a test block including test commands configured to test performance of the GPS function.

In rejecting independent claim 11, the Office Action cites Chang and Burch. Chang does not disclose a GPS function or a test block including test commands configured to test a performance of the GPS function. Thus it is uncertain why or how Chang is used as a primary

reference. Merely because Chang discloses the ability to perform a test does not suggest the ability to test a performance of a GPS function. Applicants respectfully submit that Chang should be removed from the outstanding rejection since it does not include the claimed features.

The Office Action (on page 6, lines 3-4) appears to suggest that other references are equally applicable to a rejection under 35 U.S.C. §103. Applicants respectfully submit that none of the other applied references teaches or suggests a test block including test commands configured to test a performance of the GPS function. The Office Action does not specifically address any reference (other than Burch which will be discussed below) and therefore applicants are unable to further comment on these references. In order to make a rejection under 35 U.S.C. §103, the Patent Office is requested to provide prior art references showing the claimed features.

The Office Action relies on Burch as disclosing a GPS function for the determination of the location of a PDA. However, independent claim 11 does not recite these features. Rather, independent claim 11 recites a test block including test commands configured to test a performance of the GPS function. Burch's PDA does not relate to testing a performance of a GPS function. Rather, Burch's alleged GPS function is for determining a position of a PDA and not for testing a performance of a GPS function. As stated above, Chang also does not suggest these features. Applicants respectfully submit that the Patent Office has failed to show a *prima facie* case of obviousness at least with respect to independent claim 11. As stated in MPEP §2143.03, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In rejecting independent claim 11, the Office

Action has not provided any reference teaching the claimed test block including test commands configured to test a performance of the GPS function. Since no reference has been shown to suggest at least this feature, the rejection should be withdrawn. Accordingly, independent claim 11 defines patentable subject matter.

New independent claim 21 includes features from previous claims 1 and 3 (and similarly claim 13). Claim 13 is indicated as containing allowable subject matter. Therefore, it is respectfully submitted that new independent claim 21 defines patentable subject matter. That is, the applied references do not teach or suggest all the claimed features of independent claim 21.

For at least the reasons set forth above, each of the independent claims defines patentable subject matter. Each of the dependent claims depends from the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims also recite features that further and independently distinguish over the applied references. For example, dependent claim 12 recites a Graphical User Interface (GUI) configured to drive the test block for testing the performance of the GPS function. As stated above with respect to independent claim 11, Burch (and Chang) do not suggest the ability to test a performance of the GPS function. Accordingly, Burch and Chang do not suggest the ability to drive the test block for testing the performance of the GPS function. Thus, dependent claim 12 defines patentable subject matter at least for this reason.

Additionally, dependent claim 16 (and similarly dependent claim 19) recites that the status information relates to a GPS performance test. Furthermore, dependent claim 17 (and similarly dependent claim 20) recites that the status information relates to a GPS signal to noise ratio.

Serial No. 10/603,804  
Reply to Office Action dated June 7, 2005

Docket No. K-0532

The applied references do not teach or suggest these features relating to a GPS performance test and/or a GPS signal to noise ratio. Accordingly, these dependent claims define patentable subject matter at least for these additional reasons.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-23 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David C. Oren**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
FLESHNER & KIM, LLP



David C. Oren  
Registration No. 38,694

P.O. Box 221200  
Chantilly, Virginia 20153-1200  
(703) 766-3701 DYK:DCO/kah

**Date: September 7, 2005**

**Please direct all correspondence to Customer Number 34610**